

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



May 3, 1983

ALL-COUNTY LETTER NO. 83-37

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: TURNER V. WOODS

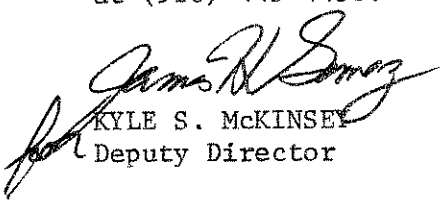
REFERENCE:

On October 15, 1982 the San Francisco Federal District Court in Turner v. Woods issued an order regarding recoupment of overpayments arising out of the court's December 1981 orders to restore aid to persons who received inadequate notices of action. The Department believed that the order applied only to Solano County as part of a contempt proceeding regarding that county's initial refusal to restore and renotice recipients pursuant to the court's Preliminary Injunction of December 21, 1981. When plaintiffs became aware of the department's interpretation of the order, plaintiff's brought it to the court's attention. They alleged the order should be applied statewide.

By order dated April 21, 1983, a copy of which is attached, the judge has ordered that recoupment be stopped statewide for all overpayments caused by either the court ordered restoration under the Temporary Restraining Order of November 25, 1981 (All-County Letter of December 2, 1981) or the Preliminary Injunction of December 21, 1981 (All-County Letter of December 23, 1981). Accordingly if you are currently recouping any overpayments caused by the restoration or increase of aid ordered by the Turner court, such recoupment must cease as of April 21, 1983.

The court has not ordered any case search or retroactive payments from October 15, 1982 to April 21, 1983.

If you have any questions, please contact your AFDC Program Management Consultant at (916) 445-4458.


KYLE S. MCKINSEY
Deputy Director

Attachment

cc: CWDA

9201

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of the State of California
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5 Attorneys for Defendants
Woods, McKinsey and
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ORIGINAL
FILED

APR 21 1983

WILLIAM L. WHITTAKER
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 SANDRA TURNER, et al.,)
12 Plaintiffs,)
13 v.)
14 MARION J. WOODS, et al.,)
15 Defendants.)

No. C 81 4457 TEH

ORDER RE: ORDER PROHIBITING
RECOUPMENT FILED
OCTOBER 15, 1982

17 It has come to the attention of the Court that the
18 Order Prohibiting Recoupment, filed October 15, 1982, has been
19 interpreted differently by the parties. Plaintiffs construed
20 the Order as an injunction applying Statewide. The Department
21 of Social Services, on the other hand, construed the Order as
22 applying only to the amounts restored by Solano County pursuant
23 to the Amended Order Re Contempt, filed July 19, 1982, recoupment
24 of which was temporarily restrained by the Order Re: Recoupment
25 filed July 16, 1982. The purpose of this Order is to state that
26 plaintiffs' interpretation of the October 15, 1982 is correct --
27 the purpose of the Order was to enjoin any recoupment of amounts
ORDER RE: ORDER PROHIBITING RECOUPMENT FILED OCTOBER 15, 1982

1 restored pursuant to the Temporary Restraining Order or
2 Preliminary Injunction.

3 Defendant Director of the Department of Social Services
4 is hereby ordered to immediately instruct the counties, by way
5 of All County Letter, to cease any recoupment or recovery of
6 such amounts.

7 This Order is made without prejudice to plaintiffs'
8 seeking additional relief by way of noticed motion or request
9 for an OSC.

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11 Dated: *21 TEH*
April 23, 1983

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13 THELTON E. HENDERSON
14 THELTON E. HENDERSON
15 Judge of the Federal District Court
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ORDER RE: ORDER PROHIBITING RECOUPMENT FILED OCTOBER 15, 1982